



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

BDE PROCEDURE MEMORANDUM

Number: 44-05

Subject: Timeframes for Environmental Impact Statements and
Environmental Assessments

Date: June 1, 2005

This memorandum modifies information found in Chapter 22-3.12 "Time Limits" of the BDE Manual. The changes presented below will be incorporated in a future update of the BDE Manual.

Background

The purpose of this memorandum is to transmit procedures for the establishment of negotiated timeframes for all Environmental Impact Statements (EIS) and Environmental Assessments (EA) done for projects within the Division of Highways. The attached Agreement signed by Federal Highway Administration and the Illinois Department of Transportation establishes goals and procedures for timely National Environmental Policy Act (NEPA) document completion.

Applicability

The procedures in this memorandum are applicable to all EIS and EA documents initiated after the start of Federal Fiscal Year 2004 (October 1, 2003).

Procedures

Timeframe negotiations should typically occur in conjunction with FHWA/IDOT coordination meetings. The meeting minutes will document the approval of the timeframe for the project by the appropriate FHWA and IDOT District personnel. The FHWA will monitor all milestone dates. The FHWA and IDOT will provide a copy of the timeframes to the involved environmental review and permitting agencies.

Contact the BDE at 217-782-7526 if there are questions concerning this Agreement.

Engineer of Design and Environment

A handwritten signature in black ink, reading "Michael L. Hine", written over a horizontal line.

Attachment

ILLINOIS STATEWIDE IMPLEMENTATION AGREEMENT
BETWEEN
THE FEDERAL HIGHWAY ADMINISTRATION
AND
THE ILLINOIS DEPARTMENT OF TRANSPORTATION
FOR
ESTABLISHMENT OF TIMEFRAMES FOR ENVIRONMENTAL IMPACT STATEMENTS
AND ENVIRONMENTAL ASSESSMENTS

I. BACKGROUND

Section 1309 of the Transportation Equity Act of the 21st Century (TEA-21) established the need to conduct a coordinated environmental review process with concurrent interagency reviews and established time periods. This need was also reflected in Executive Order 13274, *Environmental Stewardship and Transportation Infrastructure Project Reviews*.

In July 1999 the U.S. Department of Transportation (DOT) and six Federal agencies entered into a National Environmental Streamlining Memorandum of Understanding (MOU). The six agencies included the Environmental Protection Agency, the Advisory Council on Historic Preservation, the US Army Corps of Engineers, and the Departments of Commerce, Agriculture and the Interior. In the MOU, all of the agencies agreed to streamline environmental review processes in accordance with TEA-21 and other relevant environmental statutes in ways that reinforce the federal responsibility to protect the environment. With respect to establishing timeframes, the MOU calls upon all agencies to:

“Support and encourage field offices to explore flexible streamlining opportunities on their own and with state transportation and environmental partners including developing MOUs to lay out mutual expectations, funding agreements in support of streamlining, and concurrent review within cooperatively determined time frames.”

Through an intensive and interactive process to identify the Federal Highway Administration’s (FHWA) goals, objectives, and performance targets, FHWA selected the establishment and meeting of timeframes as a measure of improved timeliness. The FHWA has established specific national targets, which include the following that apply to all Environmental Impact Statements (EISs) and Environmental Assessments (EAs):

- o Establish timeframes for EAs and EISs and meet the schedules for 90% of those projects by 09/30/07;
- o Decrease the median time it takes to complete an EIS from 54 months to 36 months by 09/30/07; and
- o Decrease the median time to complete an EA from approximately 18 months to 12 months by 09/30/07.

II. PURPOSE

This Statewide Implementation Agreement (SIA) is based on the legislation and actions cited above and the attached "Questions and Answers Regarding the Environmental Vital Few Goal of Negotiated Timeframes".

Good project management: The establishment of timeframes for the environmental review process is viewed as an element of good project management. Timeframes can provide goals and structure for the process and can be an effective continuous process improvement tool to identify bottlenecks, conflicts, and systematic issues, as well as to monitor progress.

Timeliness: There may be sources of delays throughout the entire project development process, such as changes in program/political priorities, local controversy, or other issues outside the control of the parties involved in negotiating timeframes. However, since congressional directives and statutory mandates focus heavily on the Federal environmental review process as a source of project delay, FHWA deems it important to pursue the improvement of timeliness, and thus selected a target goal of 90% of EIS and EA timeframes being met by 09/30/2007.

Project efficiencies: Establishing timeframes will require upfront discussion among FHWA, the State DOT and other involved agencies (Federal, State and local) and can lead to the realization of project efficiencies, such as the following:

- Improved timeliness of the process
- Early identification of issues
- Early participation of environmental resource and permitting agencies
- Recognition of resource limitations upfront

Accountability: Timeframes should create a sense of predictability and accountability with the public and agencies. There are no legal consequences for not meeting the established timeframes. Reasons for schedule delays should be analyzed for lessons learned and, where appropriate, these lessons should be applied to future studies.

III. APPLICABILITY OF SIA

All EIS and EA documents initiated after the start of the federal FY 04 (October 1, 2003) shall have negotiated timeframes for the environmental review process.

IV. IMPLEMENTING PROCEDURES

A. DEFINITIONS

The following definitions are adopted for this SIA:

Timeframe: This term refers to the established schedule or timeline for the processing of an EIS or EA. This schedule is generally part of a larger project schedule that includes final design, right-of-way acquisition, and construction.

Negotiated: Project schedules should be developed by the FHWA Illinois Division office in cooperation with the Illinois Department of Transportation (IDOT). On locally

sponsored projects the appropriate local agency should be involved in the negotiation process.

Initiated: For an EIS, this is the date that the Notice of Intent (NOI) is published in the *Federal Register*. For an EA, this is the date of the initial public meeting held to present the general scope of work, the possible alternatives that have been identified, and the preliminary decision on preparing an EA for the project (herein referred to as “initial public meeting”).

Median Time: A national aggregate of processing times for environmental documents. This is the value below and above which there is an equal number of values. Using the median helps avoid the disproportionate skew due to extremely short or long processing times.

B. PROCESS

The appropriate IDOT District office will notify the FHWA Illinois Division office early in the project planning to allow ample time to establish timeframes for each EIS and EA prior to its initiation (NOI or initial public meeting).

The FHWA and IDOT (and local agencies when applicable) will work together to establish timeframes using the attached flowcharts as examples. The timeframes should cover the environmental review process and identify milestones as well as set a target completion date for each milestone. Actual milestone activities and time periods may vary from project to project.

Timeframe negotiations should typically occur in conjunction with FHWA/ IDOT coordination meetings. The meeting minutes will document the approval of the timeframe for the project by the appropriate FHWA and IDOT district personnel. The dated flowcharts with the agreed-upon timeframes will be attached to the minutes. These same procedures will apply if timeframes are revised (see Section E).

Timeframes will account for the necessary review periods by the FHWA Division Office and IDOT Headquarters, and legal sufficiency review by the FHWA Office of Chief Counsel. Both the FHWA and IDOT are committed to a timely review of all documents.

The FHWA and IDOT will then provide a copy of the timeframes to the involved environmental review and permitting agencies (e.g., U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service) as part of the early coordination/ scoping process (e.g., NEPA/ 404 Merger or other meetings, electronic or written correspondence).

Timeframes should be established based on the complexity and characteristics of the project(s), as well as IDOT’s own sense of priority. Dates will be adjusted as necessary, depending on agency resources or known project issues that are likely to affect the dates. A complex project may require acknowledgement upfront that a long timeframe will be required and that, as the project progresses, ongoing assessment and tracking must be provided to determine if it is necessary to modify the timeframe.

Timeframes can be affected by limitations of human, financial, and time resources, as well as seasonal schedules beyond human control, such as growing seasons for

assessment of biological resources. These issues should be considered early in the process, along with a general level of priority established for the project.

Schedules should be achievable and realistic, and should strive to maintain high quality of documents and reviews.

All parties involved will receive a copy of the agreed upon schedule, including revisions when they occur.

C. GOALS FOR COMPLETION DATES

All EIS and EA projects initiated after the start of federal FY 04 (**October 1, 2003**) are to have negotiated timeframes for the environmental review process.

In **Illinois** the established goals for establishing maximum completion timeframes for projects initiated in federal FY 04 – 07 are:

**FY 04: EIS – 54 months
EA - 18 months**

**FY 06: EIS - 42 months
EA - 15 months**

**FY 05: EIS – 48 months
EA - 18 months**

**FY 07: EIS – 36 months
EA - 12 months**

In pursuing the targets of reducing the median processing times, all agencies involved in the environmental review process should continue seeking methods to streamline, yet also maintain a high quality of decision-making documents. Timeframe objectives should not compromise quality.

D. TRACKING OF DATES

Coordinating with IDOT, the FHWA will enter the actual dates on the project's individual flowchart to assess whether the milestone dates are being met throughout the project's development and whether the final target date will be achieved. FHWA will also enter the information in the Illinois Division's ITRACKS database and in the FHWA's national Environmental Document Tracking System (EDTS), including any reasons for delays and revision of dates.

E. REVISIONS TO TIMEFRAMES

When new issues arise or priorities change, the timeframes may be reviewed and revised as necessary, subject to the following limits:

Modifications to the timeframe of an EIS may be made up to 30 days following the end of the Draft EIS comment period, and on an EA up to 15 days following the end of the public availability period.

The updated timeframes will typically be discussed at FHWA/ IDOT coordination meetings. Approval by the applicable IDOT district and the FHWA Division personnel will be documented in the minutes, and the date of the agreed revision will be included

on the flowchart attached to the minutes. All involved agencies should be provided a copy of these changes.

F. MODIFICATION / TERMINATION

This agreement may be modified at any time by mutual agreement of both FHWA and IDOT. Proposal for modification will be given a 30-day review period, after which approval by the other agency will be indicated by written acceptance. Either agency may also terminate participation in this agreement upon written notice to the other agency.

G. APPROVAL OF AGREEMENT

The undersigned have reviewed this agreement and determined that it complies with Section 1309 of TEA-21 and related guidance. Accordingly, it is hereby approved and becomes effective on the last date noted below.

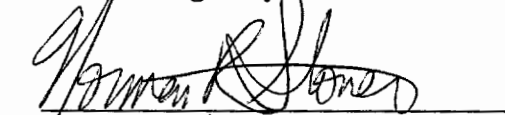
Illinois Department of Transportation



3/29/05

Victor A. Modeer, P.E.
Director of Highways

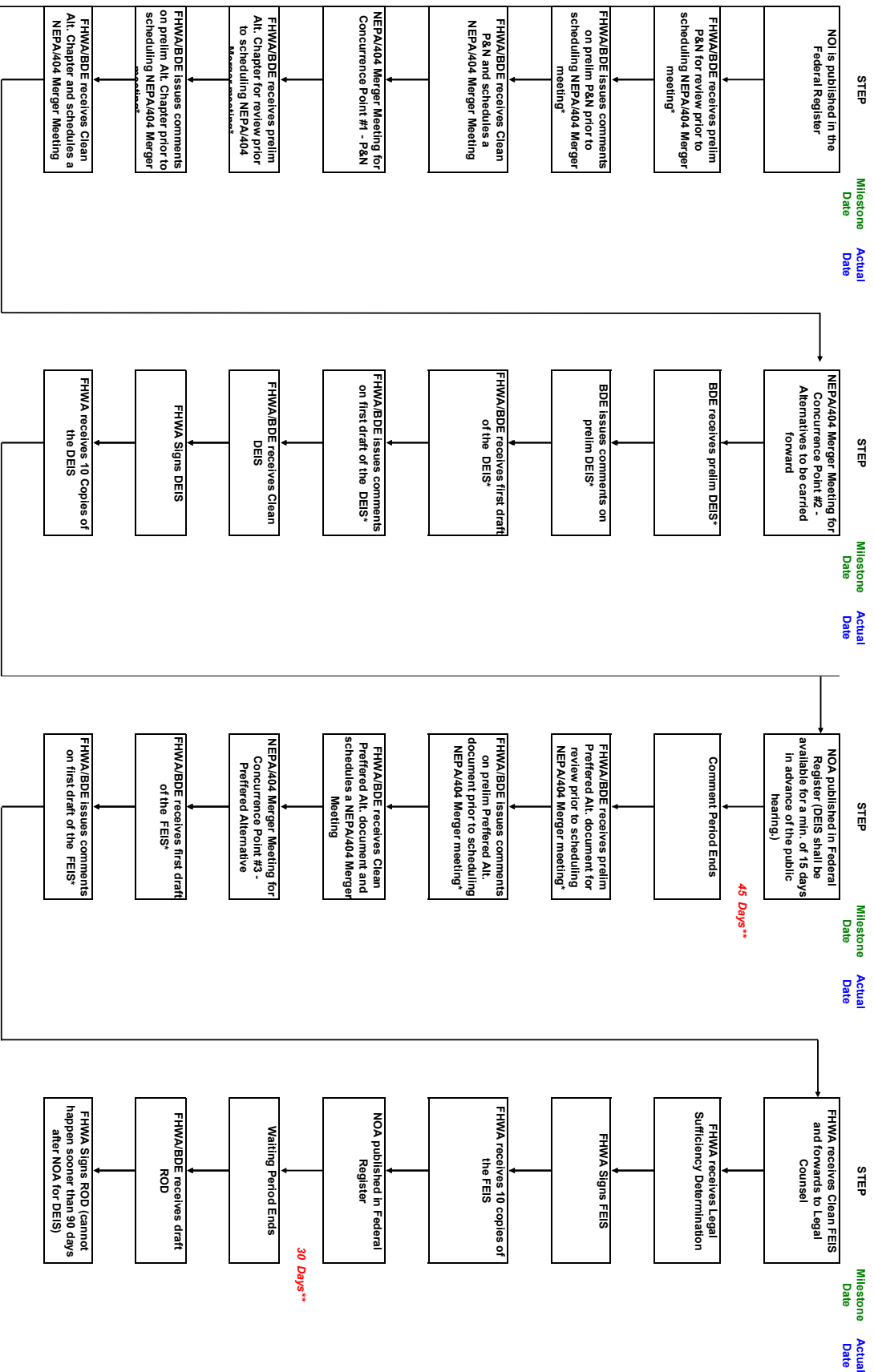
Federal Highway Administration



3/3/05

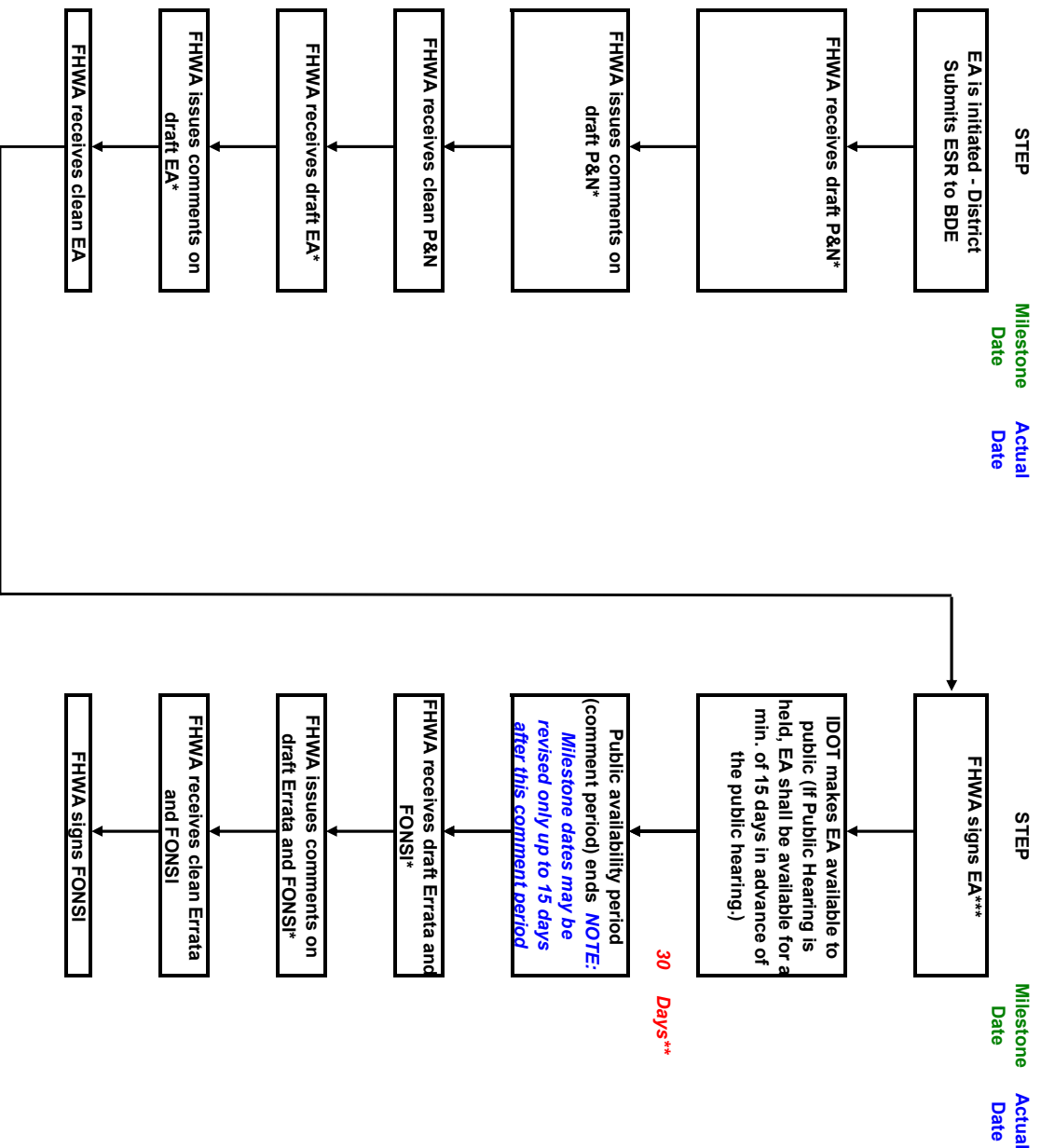
Norman R. Stoner, P.E.
Division Administrator

TIMEFRAME - EIS Example



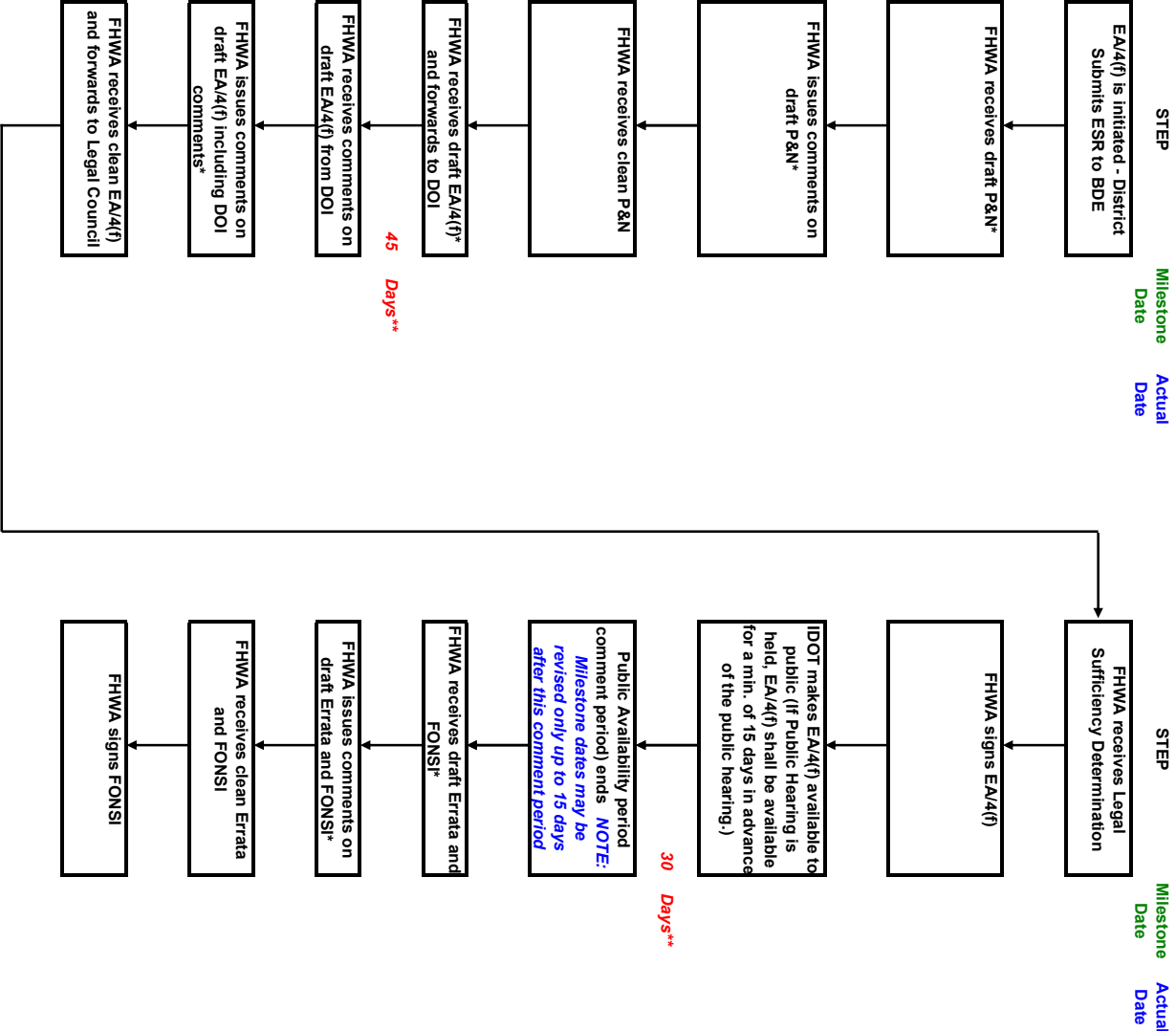
* These steps may happen multiple times and would effect the overall schedule.
 ** Dates shown in red are non-negotiable.

TIMEFRAME EA w/ Programmatic 4(f) or no 4(f) Example

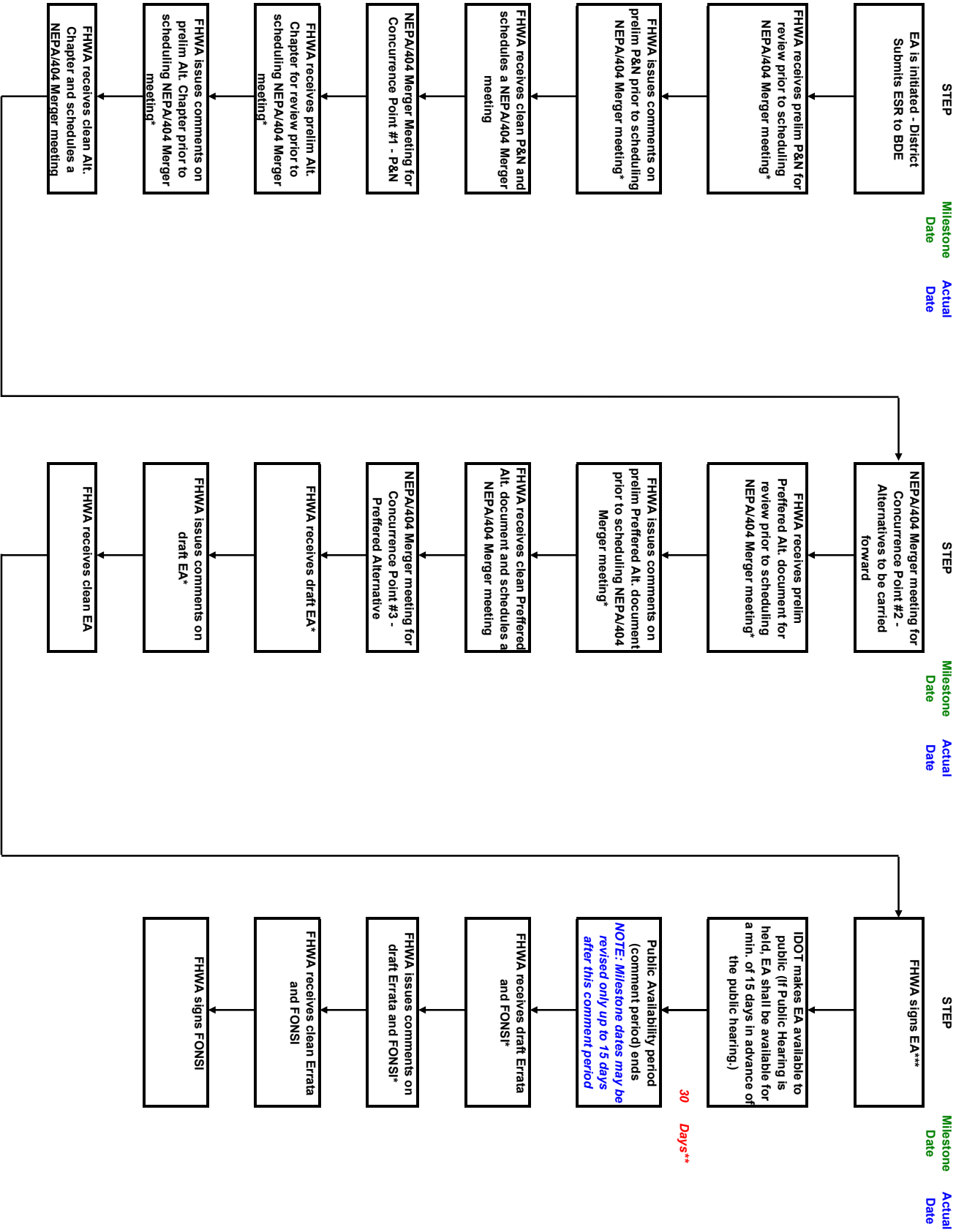


* These steps may happen multiple times and may affect the overall schedule
 **Dates shown in red and italics are non-negotiable.
 *** If Programmatic 4(f) is involved, it must be approved prior to signing EA

TIMEFRAME
EA w/ Separate 4(f)
Example

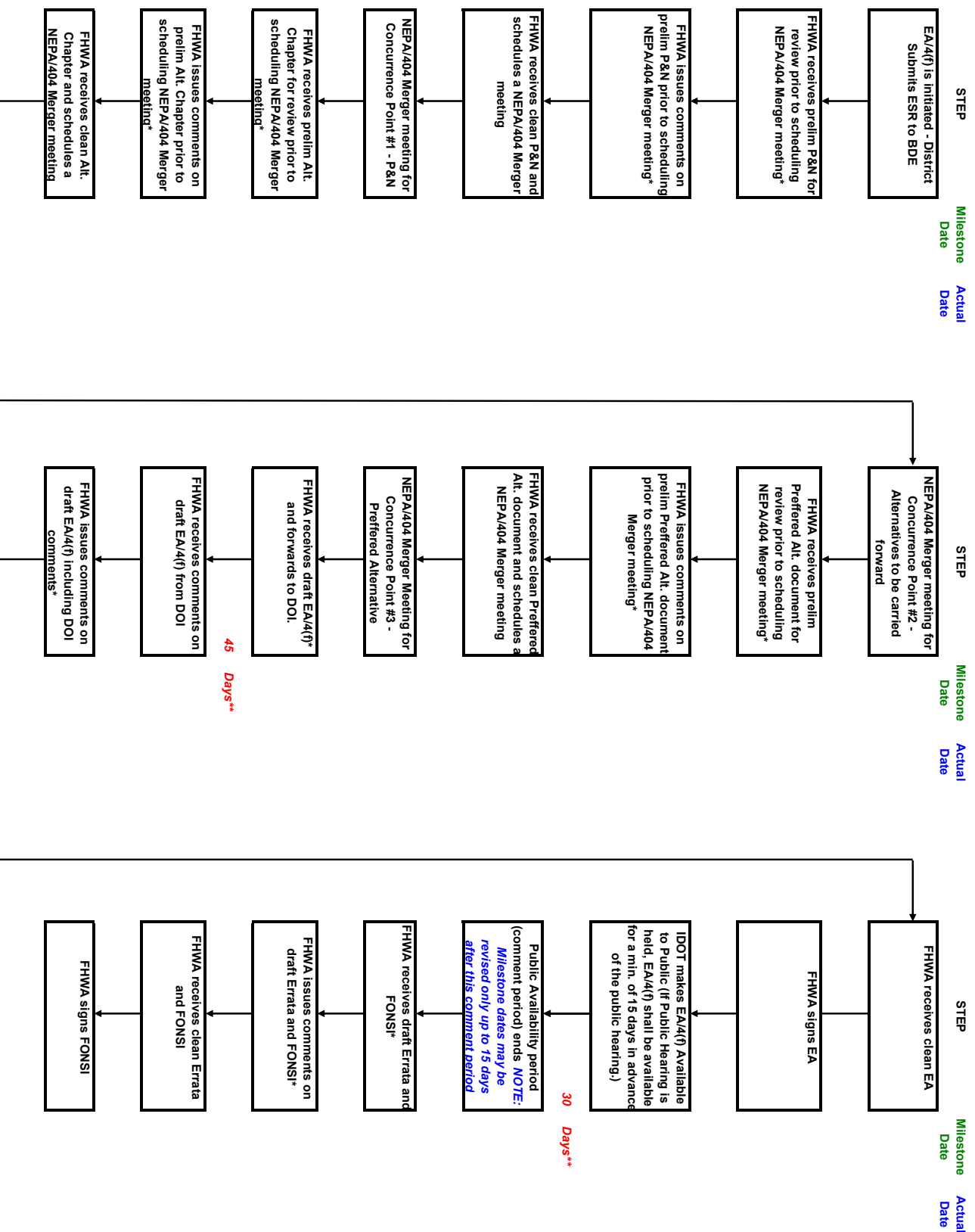


TIMEFRAME
EA w/ Programmatic 4(f) or no 4(f), NEPA/ 404
Example



* These steps may happen multiple times and may affect the overall schedule.
**Dates shown in red and italics are non-negotiable.

TIMEFRAME EA w/ Separate 4(f), NEPA/404 Example



* These steps may happen multiple times and may affect the overall schedule.
 **Dates shown in red and italics are non-negotiable.